

§ 14.53

(5) Any documents and permits required by the country of export or re-export for the wildlife.

[45 FR 56673, Aug. 25, 1980; 45 FR 64953, Oct. 1, 1980, as amended at 50 FR 52889, Dec. 26, 1985; 61 FR 31869, June 21, 1996]

§ 14.53 Detention and refusal of clearance.

(a) *Detention.* Any Service officer, or Customs officer acting under § 14.54, may detain imported or exported wildlife and any associated property. As soon as practicable following the importation or exportation and decision to detain, the Service will mail a notice of detention by registered or certified mail, return receipt requested, to the importer or consignee, or exporter, if known or easily ascertainable. Such notice must describe the detained wildlife or other property, indicate the reason for the detention, describe the general nature of the tests or inquiries to be conducted, and indicate that if the releasability of the wildlife has not been determined within 30 days after the date of the notice, or a longer period if specifically stated, that the Service will deem the wildlife to be seized and will issue no further notification of seizure.

(b) *Refusal of clearance.* Any Service officer may refuse clearance of imported or exported wildlife and any Customs officer acting under § 14.54 may refuse clearance of imported wildlife when there are responsible grounds to believe that:

(1) A Federal law or regulation has been violated;

(2) The correct identity and country of origin of the wildlife has not been established (in such cases, the burden is upon the owner, importer, exporter, consignor, or consignee to establish such identity by scientific name to the species level or, if any subspecies is protected by the laws of this country or the country of origin to the subspecies level);

(3) Any permit, license, or other documentation required for clearance of such wildlife is not available, is not currently valid, has been suspended or revoked, or is not authentic;

(4) The importer, exporter, or the importer's or exporter's agent has filed an incorrect or incomplete declaration for

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importation or exportation as provided in § 14.61 or § 14.63; or

(5) The importer, exporter, or the importer's or exporter's agent has not paid any fee or portion of balance due for inspection fees required by § 14.93 or § 14.94, or penalties assessed against the importer or exporter under 50 CFR part 11. This paragraph does not apply to penalty assessments on appeal in accordance with the provisions of part 11.

[61 FR 31869, June 21, 1996]

§ 14.54 Unavailability of Service officers.

(a) *Designated ports.* All wildlife arriving at a designated port must be cleared by a Service officer prior to Customs clearance and release. When importers or their agents expect live or perishable shipments of wildlife or wildlife products or request inspection at the time of arrival, they must notify the Service at least 48 hours prior to the estimated time of arrival. However, where a Service officer is not available within a reasonable time, Customs Officers may clear live or perishable wildlife subject to post-clearance inspection and investigation by the Service.

(b) *Border and special ports.* Wildlife lawfully imported at Canadian or Mexican border ports under § 14.16, or into Alaska, Puerto Rico, or the Virgin Islands, under § 14.19, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(c) *Permit imports.* Wildlife imported at a nondesignated port in accordance with the terms of a valid permit issued under subpart C of this part, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(d) *Personal baggage and household effects.* Wildlife lawfully imported at any port of entry under § 14.15, may, if a Service officer is not available within a reasonable time, be cleared by Customs officers, subject to post-clearance inspection and investigation by the Service.

(e) *Personally owned pet birds.* Personally owned pet birds lawfully imported at a port of entry under § 14.17, may, if